

P. 19320

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 27438 Permit 19320 License

**ORDER APPROVING A
NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 19320 was issued to William C. and Mary Ann Prock, dba Prock Ranches, on September 25, 1984, pursuant to Application 27438.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1996

(0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2004

(0000009)

Dated: JANUARY 23 1995

Roger Anton
✓ Edward C. Anton, Chief
Division of Water Rights

P 19320

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27438 PERMIT 19320 LICENSE

ORDER REINSTATING AND AMENDING THE PERMIT

WHEREAS:

1. Permit 19320 was issued to William C. and Mary Ann Prock, dba Prock Ranches on September 25, 1984, pursuant to Application 27438.
2. On December 28, 1992, the permit was revoked by request. Review of the file indicated that water had been put to use under the direct diversion portion of the permit. State Water Resources Control Board (State Water Board) staff finds that Permit 19320 should be reinstated.
3. Permittee has submitted a petition for extension of time with the associated filing fees, as an indication of diligence.
4. Permit Condition 12, regarding the State Water Board's continuing authority should be amended to conform to Section 780(a) of Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

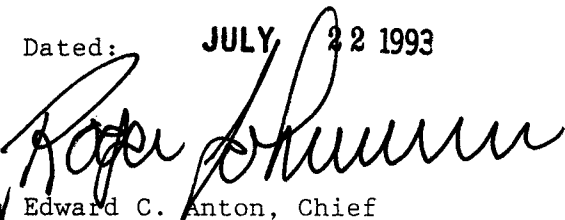
1. The December 28, 1992, order revoking Permit 19320 is hereby rescinded.
2. Permit 19320 is hereby reinstated.
3. Condition 12 of the continuing authority be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JULY 22 1993


for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27438

PERMIT 19320

LICENSE _____

ORDER CORRECTING LOCATION OF RESERVOIR NO. 1

WHEREAS:

1. A request to correct the description of the location of Reservoir No. 1 under said permit has been filed with the State Water Resources Control Board.
2. The map sent in by the permittee shows the location of Reservoir No. 1 within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, T43N, R14E, MDB&M. Permit 19320 described the same reservoir as being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T43N, R14E, MDB&M. A correction in the description of Reservoir No. 1 under said permit is needed to conform the description with the actual location.

NOW, THEREFORE, IT IS ORDERED THAT:

Paragraph 2 regarding location of Reservoir No. 1 under Permit 19320 be described as follows:

Reservoir No. 1

North 1,408 feet and East 2,024 feet from SW corner of Section 21, T43N, R14E, MDB&M being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 21.

Dated: JUNE 4 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
~~THE RESOURCES AGENCY~~
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19320

Application 27438 of William C. Prock and Mary Ann Prock dba Prock Ranches
P. O. Box 863, Alturas, California 96101

filed on July 16, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream (aka Stony Canyon)

Gleason Creek thence

Parker Creek thence

North Fork Pit River thence

Pit River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>Reservoir No. 1</u> <u>North 2,200 feet and West 400 feet</u> <u>from SE corner of Section 20</u>	<u>NE$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>
<u>Channel Intake</u> <u>North 2,600 feet and West 1,000 feet</u> <u>from SE corner of Section 20</u>	<u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>

County of Modoc

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
<u>Stockwatering</u>						
<u>Irrigation</u>	<u>SW$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>5</u>
	<u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>5</u>
	<u>SW$\frac{1}{4}$ of NE$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>5</u>
	<u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>15</u>
	<u>NE$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>20</u>
	<u>NE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>20</u>	<u>43N</u>	<u>14E</u>	<u>MD</u>	<u>30</u>
						<u>80</u>

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1 cubic foot per second by direct diversion to be diverted from April 1 to June 30 of each year and 49 acre-feet per annum by storage to be collected from October 1 of each year to March 31 of the succeeding year. The total amount of water to be taken from the source shall not exceed 229 acre-feet per water year of October 1 to September 30.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1987. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1988. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Rights under this permit are, and shall be, subject to existing rights determined by the North Fork Pit River Adjudication, Superior Court, Modoc County, No. 4074 insofar as said adjudicated rights are maintained and such other rights as may presently exist. (0000023)

15. The equivalent of the continuous direct diversion allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

16. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. (0050043)

17. Permittee shall comply with the following provisions which are derived from the agreement between permittee and Pacific Gas and Electric Company executed on August 2, 1984 and filed with the State Water Resources Control Board:

a. Each day during the diversion season from October 1 to June 30 that permittee desires to divert water from Stony Canyon, permittee shall contact Pit 3 Powerhouse to determine the flow at Canby Gage Station. If the flow at Canby Gage Station is not greater than 300 cubic feet per second at the time of contact, permittee shall not divert water. If the flow at Canby Gage Station is greater than 300 cubic feet per second at the time of contact, permittee may divert water that day.

b. Permittee shall install and maintain in the reservoir, an accurate staff gage meeting the approval of the State Water Resources Control Board. Staff gage readings shall be recorded (1) immediately before water is diverted to storage from Stony Canyon, (2) immediately after diversion to storage ceases and (3) on or about the first day of each month from October 1 to June 30.

Permittee shall keep records of staff gage readings and make them available to Pacific Gas and Electric Company once per month upon request. The staff gage readings shall also be submitted to the State Water Resources Control Board with the annual progress report by permittee.

c. Permittee shall immediately release any water that is not stored in compliance with the agreement.

d. Pacific Gas and Electric Company shall be granted a right of access, upon reasonable advance notice, to the reservoir to inspect and verify the accuracy of the measuring devices and the resultant readings and to determine if permittee's operations are in compliance with the agreement.

Inclusion in this permit of certain provisions of this agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000300)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEPTEMBER 25 1984

STATE WATER RESOURCES CONTROL BOARD

Raymond J. Walsh
Chief, Division of Water Rights